

# Fisher Waterhouse recovers substantial damages for brain-damaged youth



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Industry: [Law](#)

## **Press Release Summary: Field Fisher Waterhouse recovers substantial compensation against Barts & the London NHS Trust on behalf of brain-damaged youth**

Press Release Body: Law firm, **Field Fisher Waterhouse LLP** has recovered a substantial sum in compensation on behalf of **Matthew Ellerbeck**, who sustained serious brain damage after contracting herpes at the age of six.

In 1997, Matthew suffered a prolonged convulsion, and was taken in an ambulance to the A&E department of the **Royal London Hospital**. **Herpes Simplex Encephalitis (HSE)** should have been suspected, and aciclovir (an antiviral drug) should have been administered immediately. However the drug was not given to Matthew until over 30 hours later.

As a result of this delay, Matthew sustained serious [brain damage](#). He is now 17, and as a result of the brain damage he suffers daily epileptic attacks and severe learning difficulties, as well as serious attention and behavioural problems.

Matthew's mother, **Susan Culling**, brought the case against **Barts & the London NHS Trust** on his behalf in the High Court. **Richard Earle**, a lawyer in the [Personal Injury](#) and [Medical Negligence](#) Group at **Field Fisher Waterhouse**, conducted Matthew's case to settlement.

The hospital accepted the delay in treating the HSE was negligent, but it argued that most of the damage and subsequent consequences to Matthew would have occurred anyway.

The case had gone on for nine years, in which time a number of concessions were made by the hospital, when a settlement was agreed two months before the case was due to go to trial.

Following this long legal battle, [Field Fisher Waterhouse](#) recovered substantial damages. This includes provision for periodical (annual) payments to be made for the rest of Matthew's life to cover his care and accommodation needs.

**Susan Culling** said: "*I was determined to press on and seek justice for Matthew. I am very pleased at the level of [compensation](#) which will make a huge difference to Matthew's life.*"

**Richard Earle** said: "*I am absolutely delighted that substantial damages have been recovered on Matthew's behalf, in what was an extremely complex case on the medical evidence where both Matthew's lawyers and medical team had worked extremely hard to overcome the Defendant's arguments on causation. This will improve the quality of Matthew's life and provide protection for the future.*"

**Matthew was represented by James Badenoch QC and Dennis Matthews of Counsel.**

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**About Field Fisher Waterhouse LLP:** is a full-service European law firm with offices in Brussels, Hamburg and London. With 119 partners, over 200 other lawyers and nearly 300 support staff, we assist a wide range of international clients, advising across a full range of legal issues.

The main areas of practice are corporate and commercial, IP and technology, banking and finance, regulatory and real estate. **Field Fisher Waterhouse LLP** also have particular expertise in competition & EU law, dispute resolution, employment, personal injury and clinical negligence, public sector and tax.

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